

E-FILING

NORTHERN

## United States District Court

DISTRICT OF

FILED

CALIFORNIA

23 APR -1 P 1:10

UNITED STATES OF AMERICA

V.

Tomas RODRIGUEZ-Mari  
(Name and Address of Defendant)RICHARD W. WHEKIN,  
CLERK  
CRIMINAL COMPLAINT  
NO. DIST OF CA, S.D.  
**08-70190**

HRE

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, March 22, 2008, in Santa Clara County in the Northern District of California defendant(s) was, (Check Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326  
I further state that I am a(n) Deportation Officer and that this complaint is based on the following  
Official Title  
facts:

## SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof:  Yes  No

Signature of Complainant

Sworn to before me and subscribed in my presence,

4/1/08

Date

at

San Jose, California

City and State

Signature of Judicial Officer

Howard R. Lloyd  
United States Magistrate Judge  
Name & Title of Judicial Officer

RE: RODRIGUEZ-Mari, Tomas A28 799 803

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

- (1) Mr. RODRIGUEZ-Mari is a 45-year-old male who has used four (4) aliases and one (1) date of birth in the past.
- (2) Mr. RODRIGUEZ-Mari has been assigned one (1) Alien Registration number of A28 799 803, FBI number of 910014RB7, California Criminal Information Index number of A08830168, and a Santa Clara County Personal File Number of DNU481.
- (3) Mr. RODRIGUEZ-Mari is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on three (3) occasions from the United States:

<u>DATE</u>	<u>PLACE OF DEPORTATION</u>
October 23, 1991	Nogales, AZ
January 30, 2006	Nogales, AZ

- (4) Mr. RODRIGUEZ-Mari last entered the United States at or near Nogales, AZ on or after January 30, 2006, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. RODRIGUEZ-Mari on a date unknown, but no later than March 22, 2008, in Santa Clara County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On March 27, 2008, Mr. RODRIGUEZ-Mari was interviewed by Immigration Enforcement Agent (IEA) Alexander Sierra at the San Jose ICE Office, San Jose, CA, and during that interview, Mr. RODRIGUEZ-Mari was advised of his **Miranda** rights in Spanish. Mr. RODRIGUEZ-Mari waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.

RE: RODRIGUEZ-Mari, Tomas A28 799 803

(6) Mr. RODRIGUEZ-Mari was, on January 10, 1989, convicted in the Superior Court of California, in and for the County of Ventura, for the offense of RAPE BY FORCE, an aggravated felony, in violation of Section 261(2) of the California Penal Code, and was sentenced to six (6) years in prison.

(7) On the basis of the above information, there is probable cause to believe that Mr. RODRIGUEZ-Mari illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.

Trong Q. Nguyen  
Deportation Officer  
Immigration and Customs Enforcement

Subscribed and sworn to before me this \_\_\_\_\_ day of April, 2008

HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE